

FILED

IN THE UNITED STATES DISTRICT COURT

JAN 18 2013

FOR THE DISTRICT OF MONTANA

Clerk, U.S. District Court
District Of Montana
Missoula

BUTTE DIVISION

UNITED STATES OF AMERICA,

Cause No. CR 07-33-BU-DWM

Plaintiff/Respondent,

vs.

ORDER TO UNITED STATES
TO FILE TRANSCRIPTS

CARL WHIPPO PATTERSON,

Defendant/Movant.

On October 22, 2012, Defendant/Movant Carl Patterson filed a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. He is a federal prisoner proceeding pro se.

The motion is subject to preliminary review to determine whether “the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief.” 28 U.S.C. § 2255(b); *see also* Rule 4(b), Rules Governing Section 2255 Proceedings for the United States District Courts. Because Patterson did not appeal, the transcripts of the proceedings were not prepared. They are necessary to determine his claims.

Accordingly, IT IS HEREBY ORDERED:

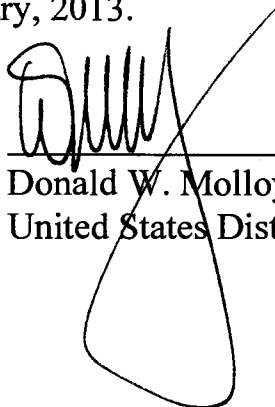
1. Pursuant to 28 U.S.C. § 753(f), the Court CERTIFIES the following transcripts are required to decide the issues presented by Patterson:

- (a) the change of plea hearing, held November 26, 2007;
- (b) the sentencing hearing, held March 6, 2008.

2. The United States shall immediately order the transcripts of those hearings for the Court's file, with copies to be delivered to Carl Whippo Patterson # 09664-046, USP Marion, U.S. Penitentiary, P.O. Box 1000, Marion, IL 62959.

Patterson must immediately notify the Court of any change in his mailing address by filing a "Notice of Change of Address." Failure to do so may result in dismissal of his motion without notice to him.

DATED this 18th day of January, 2013.



Donald W. Molloy
United States District Court